

Department of State Health Services
Council Work Session Agenda Memo for State Health Services Council
June 22, 2011

Agenda Item Title: Repeal of rules and new rules concerning DSHS-funded substance abuse services

Agenda Number: 2.a

Recommended Council Action:

☒ For Discussion Only

☐ For Discussion and Action by the Council

Background: The Substance Abuse Program Services Unit is located within Program Services Section of the Mental Health and Substance Abuse (MHSA) Division. The Substance Abuse Program Services Unit develops and implements programs for the provision of substance abuse services that are funded either through the federal block grant for the prevention and treatment of substance abuse (SAPT grant) or through state general revenue. The Substance Abuse Program Services Unit directs substance abuse treatment for adults and youth, tobacco prevention and control, and the expansion of evidence-based practices for all substance abuse programming. The division standards are monitored through the Quality Management Unit, which ensures that program providers contracting directly with DSHS provide appropriate, adequate substance abuse services to the citizens of Texas.

DSHS funds 227 youth prevention contracts, 28 HIV early intervention programs, 14 pregnant and post partum intervention programs, and 215 substance abuse treatment programs.

Summary: The repeals and new sections are necessary to implement the primary prevention, intervention, and treatment strategies set forth in the SAPT grant; 42 U.S.C. §§300x-21 *et seq.*; and 45 C.F.R. Subpart L. The repeals and new sections establish evidence-based performance requirements and standards for DSHS-funded contractors providing substance abuse services. The rules are written to protect the health and safety of people receiving substance abuse services and their families as well as provide consistent guidance on the use of evidence-based strategies for all contractors providing DSHS-funded substance abuse services.

Key Health Measures:

Primary Prevention: Primary prevention services target youth in a variety of settings utilizing evidence-based curricula to prevent the use and consequences of alcohol, tobacco, and other drugs. DSHS collects key measures for five different youth prevention program types that implement evidence-based curricula. Measures for these programs are: number of youth and adults (family members, parents, guardians, etc.) receiving alcohol, other drug and tobacco alternative activities; number of prevention presentations conducted on alcohol, other drugs and minors and tobacco; and number of youth and adults attending alcohol, other drug and minors and tobacco presentations. A key measure that addresses the implementation of evidence-based curricula that has been added in this rule is: number of youth and adults that receive prevention education (evidence-based activity). Additionally, information on required evidence-based curricula training for provider staff is being collected for an annual training needs assessment. As a result of the rule change that included adding clarity to definitions, it is expected that the reporting of prevention services will improve.

Intervention Services: DSHS focuses on maintaining a highly trained and productive statewide group of HIV intervention providers. To assess these HIV early intervention programs, DSHS reviews the following key measures: number of persons trained, number of persons tested for HIV and other communicable diseases, number of risk reduction encounters and number of substance abusers referred for treatment.

The pregnant and post-partum intervention programs collaborate and cross train with internal and external entities that serve pregnant woman to ensure that contracted substance abuse providers are knowledgeable about risk, trauma, and services available to this population. To assess these programs, DSHS measures outreach, intervention, screening, and referrals for perinatal woman at risk of substance abuse.

The rule change is not expected to impact the measures for the intervention services noted above. The primary impact of the rule change on intervention services will be the repeal of the Outreach, Screening, Assessment, and Referral (OSAR) Program section. As a result of budget cuts, there will no longer be this program service type, making rules related to OSAR programs unnecessary.

Treatment Services: DSHS looks at specific performance measures for each service type as indicators of positive outcomes for those clients receiving substance abuse treatment services. DSHS reviews the following percentages of clients to assess the quality of services and client outcomes: complete any level of treatment services; refer to another level of care; abstinent at discharge; admitted to /involved in on going treatment and recovery (supportive residential, outpatient, 12-step groups and any other recovery support services); and employed at discharge. There is no expected change to these measures as a result of the rule change. However, with this rule change it is expected that there will be more clarity of requirements for contracted treatment service providers.

Summary of Input from Stakeholder Groups: The draft rules were developed through a cross-functional effort between MHSA staff, rule development staff and staff from the units of Program Services, Quality Management, and the Office of General Counsel. The draft chapter was reviewed by the Chapter 447 Steering Committee comprised of the manager, treatment services unit; team leads for prevention, intervention, and treatment services; and staff from quality management and contracting.

Public comments were received from Aliviane, Inc., El Paso; Association of Substance Abuse Programs, Kerrville; Austin Recovery Center, Austin; Coastal Bend Aids Foundation, Corpus Christi; CB International, Baytown; Ft. Bend Regional Council on Substance Abuse, Stafford; Homeward Bound, Dallas; Juvenile Justice System, Tyler; Montrose Counseling Center, Houston, Palmer Drug Abuse Program, Midland; Permian Basin Regional Council on Alcohol and Drug Abuse, Odessa; Positive Directions, West Dallas; and Rainbow Days, Dallas; Recovery Resources Ft. Worth. Those involved in the rule development process were contacted by e-mail, phone and face-to-face contact.

Based upon feedback from stakeholders, the following changes were made:

- Terms edited for consistency throughout the chapter (example: “handicap” replaced with “disability”).
- Language added to clarify definitions (example: prevention education and skills training was clarified as the core strategy for providing prevention services).

Based upon internal comments, the following changes were made:

- The title of the prevention subchapter and references to the term “behavioral health services” were changed to “mental health services.”
- In the treatment subchapter, the section relating to conducting death reviews on persons served has been deleted pending further development of DSHS’ data collection elements.
- Criminal background checks were removed from prevention and intervention to be incorporated into the new Behavioral Health Rules, 25 Texas Administrative Code, Chapter 401.
- The Outreach, Screening, Assessment, and Referral Program section has been repealed.

Approved by Assistant Commissioner/Director: /s/maples

Date: 5/19/2011

Presenter: Ross Robinson

Program: Program Services-Substance Abuse

Phone No.: 512-206-5021

Approved by CCEA:

Carolyn Bivens

Date: 5/25/2011